

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-105
Table of Allotments,) RM-9295
FM Broadcast Stations.)
(Madison, Indiana))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 16, 1999

Released: June 25, 1999

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making ("Notice"), 13 FCC Rcd 12600 (1998), issued in response to a petition filed on behalf of Madison Broadcasting Company ("petitioner"), proposing the allotment of Channel 266A to Madison, Indiana, as that community's second local FM service and third local radio station. Petitioner filed supporting comments in response to the Notice. Opposing comments were filed on behalf of WIKI, Inc.¹ ("WIKI") to which the petitioner responded. No other comments were received.

2. As stated in the Notice, the site specified to accommodate proposed Channel 266A at Madison is located 11.1 kilometers (6.9 miles) northeast of the community at coordinates 38-49-15 NL and 85-18-46 WL. From that location WIKI contends that the proposed allotment could not provide line-of-sight service to portions of Madison due to a major terrain intervention. According to WIKI's technical engineering study, a transmitter antenna radiation center of 329 meters required to obtain 100 meters height above average terrain, as well as a receive antenna height of nine meters above ground level were employed in its calculations. Further, WIKI's technical report found that due to the substantial terrain blockage, even an antenna at 1,000 feet above average terrain could not provide line-of-sight service to Madison. Moreover, according to WIKI, spacing constraints hinder the availability of alternate sites to accommodate proposed Channel 266A at Madison. Therefore, WIKI asserts that the petitioner's failure to demonstrate compliance with Section 73.315 of the Commission's Rules must result in a denial of the proposed allotment of Channel 266A to Madison, citing in support Creswell, Oregon, 3 FCC Rcd 4608 (1988), Bald Knob and Clarendon, Arkansas, 6

¹WIKI, Inc. is the licensee of Station WIKI(FM), Carrollton, Kentucky. WIKI advises that it provides broadcast service to both Carrollton and Madison.

FCC Rcd 7435 (1991), and Jefferson City, Cumberland Gap, Elizabethton, Tennessee and Jonesville, Virginia, 10 FCC Rcd 12207 (1995), recon. denied 13 FCC Rcd 2303 (1998),

3. Petitioner refutes WIKI's assertions. Initially, petitioner responds that the cases cited by WIKI concerned whether, in the absence of engineering showings to the contrary, potential applicants could overcome major terrain obstructions or otherwise comply with the technical requirements of Section 73.315 of the Commission's Rules. Further, petitioner remarks that, according to its technical engineering statement, based on a 7.5' topographic map demonstrating the allowable area for Channel 266A, the elevation at the FCC reference point is 785' or 239m AMSL. Further, the technical statement reports that 0.6 miles east of the specified reference point is an area which has a base elevation of 900' or 274m AMSL. Therefore, petitioner reports that the WIKI terrain elevation plots incorrectly indicates the base elevation available for a potential tower by a range of 267 to 382 feet. Further, petitioner advises that a map provided with its engineering studies illustrates that based on the standard prediction method, the 70 dBu signal extends at least 6 kilometers beyond the Madison city limits. Additionally, petitioner claims that unlike the cases cited by WIKI, there are no major terrain interventions which would block line-of-sight coverage of Madison. Rather, petitioner remarks that the break in line-of-sight illustrated by the WIKI terrain profiles results from the fact that the boundaries of Madison extend to the Ohio River. While the northern boundaries of the city extend 3.4 miles north of the river, petitioner reports that the city reference point (38-44-12 NL; 85-22-54 WL) is a mere 0.3 miles north of the river. Thus, the reference point is in the southern most part of the community. As is common to many communities located on rivers, petitioner states that Madison's elevation decreases several hundred feet lower than the elevations throughout the main portion of the city.

4. As to the provision of line-of-sight coverage, petitioner states that the language of Section 73.315(b) is permissive rather than mandatory, citing Vacaville and Middletown, California, 4 FCC Rcd 8315 (1989), recon. denied, 6 FCC Rcd 143 (1991) (the presence or absence of shadowing was not critical to our determination that an allotment to Vacaville would comply with the Commission's rules). Therefore, and in the absence of a major obstruction affecting direct line-of-sight coverage over the community, petitioner urges that Channel 266A can be allotted to Madison consistent with the technical requirements of the Commission's Rules.

5. A staff engineering analysis of the proposal reveals that at the site for Channel 266A at Madison, Indiana, located 11.1 kilometers northeast of the community, the elevation of the average terrain is 228 meters above mean sea level. Therefore, the radiation center for Channel 266A would be 328 meters above mean sea level. At the proposed site, the ground level above mean sea level is 199 meters. As a station operating on Channel 266A would have a RCAMSL of 328 meters, the antenna height above ground level would be 129 meters. Based upon the use of maximum facilities, our engineering analysis has determined that if there were no terrain obstruction, the signal strength at the restricted site would be at least 93 dBu. Our studies further indicate that considering the terrain obstruction between the proposed site for

Channel 266A and the community of Madison, the 70 dBu signal will be attenuated once it reaches Madison, but in any event it will not fall below the required service level over the city of Madison.

6. Based upon the information presented, we believe the public interest would benefit by allotting Channel 266A to Madison since it could provide the community with an additional local FM service. As stated in the Notice, Channel 266A can be allotted to Madison consistent with the minimum distance separation and other technical requirements of the Commission's Rules provided the transmitter is located at least 11.1 kilometers (6.9 miles) northeast of the community at coordinates 38-49-15 NL and 85-18-46 WL.

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 9, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Madison, Indiana	244A, 266A

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. A filing window for Channel 266A at Madison, Indiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Policy and Rules Division
Mass Media Bureau